

SERVICE DATE – JULY 26, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36135

UNION PACIFIC RAILROAD COMPANY—TEMPORARY TRACKAGE RIGHTS  
EXEMPTION—THE KANSAS CITY SOUTHERN RAILWAY COMPANY

Digest:<sup>1</sup> This decision grants a request by Union Pacific Railroad Company to begin temporary operations on an expedited basis over a line of Kansas City Southern Railway Company per the railroads' agreement. Doing so will avoid an interruption in current service over the affected line.

Decided: July 25, 2017

On July 18, 2017, Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. § 1180.2(d)(8) to obtain temporary overhead trackage rights over a line of railroad owned by Kansas City Southern Railway Company (KCS) between milepost 681.0 near Pineville, La., and milepost 561.7 near Bossier City, La., a distance of approximately 119.3 miles. Notice of the trackage rights exemption is due to be published in the Federal Register on August 3, 2017. Under 49 C.F.R. § 1180.4(g), a notice of exemption must be filed at least 30 days before the covered transaction can be consummated. Under that rule, the earliest date UP may consummate the transaction is August 17, 2017.

However, simultaneously with its notice, UP filed a petition to waive the 30-day requirement and asked the Board to allow the exemption to take effect immediately. UP explains that a bridge located on its DeQuincy Subdivision was damaged and is impassable, requiring UP to reroute trains on other lines, including a KCS line. (Pet. 1-2.) UP states that those detour trains are operated over KCS tracks by KCS crews. (Id. at 2.) Because KCS is experiencing difficulty providing sufficient crews for both its own trains and UP's detour trains, UP states that KCS has agreed to grant UP temporary trackage rights, which would allow UP to operate its own trains over the KCS line. (Id.) UP states that the waiver is needed to avoid any disruptions in service. (Id.) UP indicates that KCS supports making the temporary trackage rights effective immediately. (Id. at 1.)

For good cause shown, the Board will grant the petition, waive the 30-day requirement under 49 C.F.R. § 1180.4(g), and allow the exemption to become effective immediately. See Ark. Midland R.R.—Trackage Rights Exemption—Caddo Valley R.R., FD 35530 (STB

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<sup>1</sup> The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

served June 14, 2011); CSX Transp.—Temp. Trackage Rights—Norfolk S. Ry., FD 35460 (STB served Jan. 18, 2011).

It is ordered:

1. The petition for waiver is granted.
2. The 30-day provision under 49 C.F.R. § 1180.4(g) is waived, and the temporary trackage rights transaction covered by the verified notice of exemption filed in this proceeding shall become effective on the service date of this decision.
3. This decision is effective on its service date.

By the Board, Board Members Begeman, Elliott, and Miller.